SOLE INVENTOR 20033/10001

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Inte A Burke

APPLICATION FOR UNITED STATES LETTERS PATENT

SPECIFICATION

TO ALL WHOM IT MAY CONCERN:

Be it known that I, Martin P. MADDEN, a citizen of the United States of America, residing at 3814 North Alta Vista, Chicago, Illinois 60613, have invented a new and useful SYSTEM AND METHOD FOR IMPLEMENTING A MORTGAGE PLAN, of which the following is a specification.

Background of The Invention

Mortgages, i.e., liens on land and improvements thereon, given as security for the payment of debts, are time-honored instruments for financing the purchase of real estate. A highly developed market exists for traditional real estate mortgages where lenders are compensated with interest on the principal amount extended. Fundamental aspects of traditional real estate mortgage lending at interest: 1) create a large prospective financial burden for borrowers in the form of total interest paid over the life of the instrument that normally exceeds the original principal extended, 2) constrain the borrowing, and ultimately, purchasing capacity of borrowers, and 3) subject lenders to risks stemming from, among other factors, variations in future interest rates. These fundamental aspects of traditional real estate mortgage lending have become firmly entrenched, with relatively little variation in the mortgage plan approach.

Nonconventional residential mortgage plans have been proposed and used, however. The most widely used nonconventional mortgage plan, perhaps, is the adjustable rate mortgage (ARM), which attempts to shift the interest rate risk to borrowers in return for providing lower initial interest rates. Other alternative instruments which have seen limited use in the past include the graduated payment mortgage (GPM), the price level adjusted mortgage (PLAM), and the shared appreciation mortgage (SAM). Each of these mortgage plans was developed to address specific problems with the vulnerability by traditional mortgage lenders to

higher interest rates. The first was developed to expand the number of potential homeowners eligible for mortgage financing. This is a particular concern in inflationary times when high rates depress the borrowing capacity of potential homeowners. By skewing the payment burden toward later in the amortization period, the GPM allowed borrowers to obtain mortgage financing based on their prospects for increased future income.

The PLAM addressed the different problem of the lender's exposure to subsequent inflationary environments. Under this plan, the borrower's payments, consisting of principal and interest, varied according to fluctuations in an outside index of inflation, such as the Consumer Price Index.

The first residential SAM was offered in 1980 and required a one-third share in any appreciation of the value of the securing home in exchange for a one-third reduction in the current interest rate. SAM's had a fixed maturity date when all principal and compensation were due. They never achieved popularity for a variety of reasons, as explained in U.S. Patent No. 5,644,726 to Oppenheimer:

First of all, the SAM required a costly and uncertain specific house appraisal to determine the lender's share, if any, of appreciation after forced refinancing in ten years. Secondly, the homeowner had to refinance, not only the remaining mortgage principal, but original lender's share of appreciation. Finally the homeowner had no way of fixing, at the inception of the SAM mortgage, his monthly mortgage payments after the initial ten year refinancing.

(Oppenheimer, col. 2, lines 7-14).

Another example of a nonconventional mortgage is disclosed in US. Patent No. 5,819,230 to Robert A. Christie, incorporated herein by reference, which references the Merrill Lynch Mortgage 100 program. There, the home buyer initially places marketable securities having a value of at least 39% of the home's purchase price in an account pledged as collateral on the mortgage loan, and appreciation of the securities over the life of the loan helps compensate for risk associated with any depreciation in home value. Similarly, U.S. Patent No. 5,852,811 to Charles Agee Atkins discloses a mortgage plan in which money normally used to amortize the mortgage is placed into other asset accounts, so that as the home increases in value, additional loans may be made to the borrower to keep the loan-to-value ration constant at 80%.

Yet another example of a nonconventional mortgage plan approach is disclosed in the '726 Oppenheimer patent, also incorporated herein by reference. This discloses the use of a two-part principal allocation, a traditional interest bearing portion "A" and an equity portion "B", in which the principal is not repaid on portion B until portion A is completely amortized. An outside housing index is used to annually calculate the amount of equity participation to be realized by the lender at sale or maturity, regardless of changes in the actual home's value. Under this plan, the lender shares not only in the appreciation in the house above its initial purchase price, but also has a claim against the equity (above the loan balance at maturity) created by the

borrower's repayment of principal. Also under this plan, there is a fixed maturity date when all principal and compensation are due.

A basic characteristic in common with all traditional and alternative mortgage instruments is that interest paid currently on outstanding principal is the dominant form of compensation to the lender. This must be the case when the two traditional sources of mortgage capital, portfolio lending by financial institutions and securitization in the secondary market, each have their own current liability funding costs to meet. This practice, as a byproduct, returns principal to the lender in a backloaded, non-linear manner so that the average principal balance outstanding during the amortization period remains significantly above 50% of the original amount, as illustrated in FIGURE 3. For instance, the midpoint in principal reduction during the amortization period of the traditional 30-year fixed rate loan in Figure 3 is approximately 23 years.

This slow, back-loaded return of principal makes it difficult to reliably generate a sufficient return on investment where home appreciation, instead of periodic interest, is to be the dominant or sole form of compensation.

The return on a mortgage, or any investment, can be measured as:

Average Annual Profit Average Annual Principal

What former mortgage plans ignore is the value of maximizing the return by manipulating the denominator, annual average principal, so that it is repaid much

more rapidly, and on or near a straight line amortization basis. This can only be done by removing current interest paid on outstanding principal or making it an inconsequential component of investor compensation. When this is done, even a relatively small average annual profit generation, which would be insufficient for mortgages with back-loaded returns of principal, produces a satisfactory return.

Under existing mortgage plans, the only way to speed the return of principal to the lender is by drastically increasing the size of the monthly payment, or conversely, drastically lowering the initial mortgage principal lent. Doing so either creates an unaffordable monthly payment burden, or substantially diminishes the borrower's purchasing capacity. In either case, the principal return remains significantly back-loaded and non-linear so that the average principal outstanding during the amortization period is a larger percentage of the original balance.

Currently, there is a traditional "triangular" approach to the implementation of mortgages on the lender's side, using a mortgage originator, a mortgage lender, and a servicer of the mortgage. The "originator", which may be a bank, a savings and loan/thrift institution, or a mortgage broker, initially obtains the client/borrower and also typically performs underwriting duties (e.g., verifying income, credit approvals, providing documentation at closing, including the loan agreement (the "note") and the mortgage agreement). The "lender" is the entity providing the mortgage funds, which are typically wired at closing. The "servicer" is the entity that services the mortgage during its life (e.g., periodic mortgage payments are sent by the borrower to the

servicer). Those of ordinary skill in the art will understand that, within the spirit and scope of the present invention described below, this conventional triangular approach can be maintained, and may be accomplished by one single party (providing all three functions outlined in this paragraph), or either two or three parties each providing at least one of the three functions, subject to competitive and regulatory considerations.

In the past two decades within the United States, for example, relevant (e.g., U.S. Treasury) interest rates have fluctuated by as much as 10% or more, subjecting both borrowers and lenders to obvious and considerable risks. Accordingly, it would be highly advantageous to provide a new system and method for implementing a mortgage plan that can reduce lender risks associated with fluctuations in interest. It would also be advantageous to provide the lender with the potential for higher returns without unduly penalizing the lender from a tax perspective, and while also providing the borrower with incentives such as the potential for obtaining an increased mortgage which can be amortized more quickly than with conventional mortgage plans.

Accordingly, it is an object of the present invention to provide a new mortgage plan in which the lender can maximize its return while reducing lender risks associated with fluctuating interest rates.

It is another object of the present invention to reduce the amortization time period by removing current interest paid or by making it an inconsequential

component of investor compensation, thus also providing the borrower with the opportunity for obtaining a larger mortgage.

Summary of the Invention

These and other objects are achieved by the present invention, which preserves the advantages of existing systems and methods for implementing mortgage plans while overcoming disadvantages associated with such systems and methods, and also providing new advantages.

The invention is a system and method for implementing a mortgage plan using a computer system to provide mortgage documents which specify an amount of mortgage principal and a predetermined term for repayment of the principal, preferably with no interest. The mortgage documents also create a promissory obligation by the borrower, termed here "an equity participation mortgage obligation", to share with the lender a certain predetermined percentage of the realized appreciation on the subsequent sale proceeds of the mortgage asset.

In a particularly preferred embodiment of the present invention, a method is employed using a computer system for implementing a mortgage plan and preparing mortgage documents specifying payment obligations of a borrower to a lender. The mortgage plan includes an equity participation mortgage obligation. Data is first input into the computer system regarding the terms of the mortgage, including the principal amount and the amortization period. Annual average principal and periodic payment obligations of the borrower accruing under the mortgage obligation are then

calculated. A mortgage document is then prepared which includes the equity participation mortgage obligation and which specifies that the lender may share in a predetermined percentage of realized appreciation on subsequent sale of the asset which is the subject of the mortgage.

In one preferred embodiment, mortgage documents are prepared which do not require the borrower to pay interest on the mortgage principal amount. Also, the mortgage documents may permit the sale of the asset in the event of a default in payments by the borrower. Further, the mortgage documents may also limit the lender's predetermined percentage of the realized appreciation on the subsequent asset sale to a specified percentage of the total realized appreciation value.

In another embodiment, a computer system may be used to calculate the average mortgage principal outstanding during the amortization period. Mortgage documents are then prepared which limit the lender's predetermined percentage of the realized appreciation on the subsequent asset sale to an amount no greater than an amount equal to a predetermined percentage annual return on the average mortgage principal outstanding during the amortization period, plus a specified percentage of the total amortization period return thereafter. The computer system may also be used to calculate a minimum total return for the lender which may exceed the predetermined percentage of realized appreciation on the subsequent sale of the asset. The mortgage documents may also specify a termination date for the mortgage which is synchronous with the sale of the asset subject to the mortgage. Similarly, the

mortgage documents may specify that the repayment of any existing principal is synchronized with the sale of the asset subject to the mortgage, and/or that the payment of all obligations owed by the borrower to the lender is also synchronized with the sale of the asset subject to the mortgage.

In another embodiment, the present invention provides a computer system for implementing a mortgage plan and preparing mortgage documents specifying payment obligations of a borrower to a lender, the mortgage plan including an equity participation mortgage obligation. The computer system includes at least one computer having a central processing unit and a memory, for receiving data regarding the terms of the mortgage, including the principal amount and the amortization period. The computer calculates annual average principal and periodic payment obligations of the borrower accruing under the mortgage obligation, and prepares mortgage documents which include the equity participation mortgage obligation and which specify that the lender may share in a predetermined percentage of realized appreciation on subsequent sale of the asset which is the subject of the mortgage.

Brief Description Of The Drawings

The novel features which are characteristic of the present invention are set forth in the appended claims. The invention itself, however, together with further objects and attendant advantages, will be best understood by reference to the following description taken in connection with the accompanying drawings, in which:

FIGURE 1 is a schematic diagram depicting the overall system for implementing a mortgage plan according to a preferred embodiment of the present invention;

FIGURE 2 is a graph of time in months (x-axis) versus principal amount (y-axis) showing typical principal paydown curves for an equity participation mortgage and a conventional mortgage plan at specified interest rates, each having the same monthly payment in dollar terms; and

FIGURE 3 is a graph of time in year (x-axis) versus annual median sales price of single family homes (y-axis).

Description Of The Preferred Embodiments

An explanation of a preferred embodiment of the system and method for implementing a mortgage plan using a unique mortgage instrument will now be provided by way of a specific example. Assume the initial value (termed "A") of a home is \$312,500, and a 20% down payment of \$62,500 is given. Thus, the initial mortgage principal amount (B) is \$250,000. Assume also that the amortization period (C) is 15 years, that the required monthly mortgage payments on principal (D) are \$1,367.50, and that the real estate appreciates at a compounded rate (F) of 3.5% (see, e.g., FIGURE 4). Assume also that the date of the subsequent sale of the house (G) is 15 years from the initial purchase price. Then, given the real estate appreciation

rate F of 3.5%, after G time period of 15 years, the gross value of the home is \$505,922. Ignoring sales costs, the net appreciation is then \$193,402 (\$505,922-\$312,500), so the annual appreciation is \$12,895 (\$193,402/15). Also, the average principal balance over the life of the mortgage (\$250,000 + 0)/2) is \$125,000.

Using the system of the present invention, then, the EPC permits the lender in this example to realize an average rate of return of 10.316%, which is obtained by dividing the annual appreciation of \$12,895 by the average principal balance of \$125,000.

Given the terms as defined in the above example, four equations can be obtained, as follows:

- I. Since A1(1+F) = A2, and A2(1+F) = A3, etc., (A1+A2+...AG) A = W = realized appreciation on subsequent sale of home
- II. X = yearly appreciation = W/G
- III. Y = average principal balance = B1 ((D*12) + E1) = B2, and B2 ((D*12) + E2) = B3... = (B1+B2+...BG)/G, where E is a prepaid principal factor. (E is a factor to account for any discretionary prepayment on outstanding principal in any given payment period. Borrowers should be inclined to prepay if their means allow, since it will diminish the average annual principal outstanding from which the lender's share of appreciation will be derived.)
- IV. Z = average annual return = X/Y

The advantages of the mortgage instrument of the present invention over traditional mortgage instruments involving the payment of interest are several:

- A larger amount of debt principal is amortized more quickly, and in uniform periodic amounts, since no interest need be paid (see figure 3);
- (2) Current income tax may not be incurred by the lender on its percentage of the realized appreciation of the real estate; capital gain tax rates (currently 20% for individual taxpayers) may be paid when the asset is ultimately sold.
- (3) The borrower can assume a larger mortgage with no increased demand on current income, and thus purchase a more valuable home.
- (4) The lender may obtain a higher risk-adjusted rate of return than with conventional mortgage instruments, provided the rate of appreciation of the asset remains at sufficient levels relative to the time between its purchase and sale. (Within the United States from 1968 to 1996, the median existing single-family house sales price increased from \$20,100 to \$118,200, an annual compound appreciation rate of 6.95%).

Comparative examples are given in Tables 1 and 2, below, of amortization schedules for a conventional 30-year fixed-interest rate mortgage and for an equity participation mortgage of the present invention; each example uses the same monthly payment to determine the original principal balances. As can be seen, the mortgage plan of the present invention significantly reduces the average life of the mortgage principal while increasing the purchasing capacity of the borrower, and providing the lender with an enhanced rate of return.

		•			5.1
Pmt.#	Prin. Bal	Pmt. Amt	Int Amt	Prin Red	New Bal
		\$1,368.42	7.28%		\$200,000.00
	1 \$200,000.00	\$1,368.42	\$1,213.33	\$155.09	\$199,844.91
	2 \$199,844.91	\$1,368.42	\$1,212.39	\$156.03	\$199,688.89
	3 \$199,688.89	\$1,368.42	\$1,211.45	\$156.97	\$199,531.91
	4 \$199,531.91	\$1,368.42	\$1,210.49	\$157.93	\$199,373.99
	5 \$199,373.99	\$1,368.42	\$1,209.54	\$158.88	\$199,215.10
	6 \$199,215.10	\$1,368.42	\$1,208.57	\$159.85	\$199,055.25
	7 \$199,055.25	\$1,368.42	\$1,207.60	\$160.82	\$198,894.43
	8 \$198,894.43	\$1,368.42	\$1,206.63	\$161.79	\$198,732.64
	9 \$198,732.64	\$1,368.42	\$1,205.64	\$162.78	\$198,569.87
	10 \$198,569.87	\$1,368.42	\$1,204.66	\$163.76	\$198,406.10
	11 \$198,406.10	\$1,368.42	\$1,203.66	\$164.76	\$198,241.35
	12 \$198,241.35			\$165.76	\$198,075.59
	13 \$198,075.59	\$1,368.42		\$166.76	\$197,908.83
	14 \$197,908.83	\$1,368.42			\$197,741.06
	15 \$197,741.06	\$1,368.42	• •		\$197,572.26
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	20 \$196,886.80	\$1,368.42			•
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	22 \$196,537.80	\$1,368.42			•
	23 \$196,361.71				
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	26 \$195,827.00			•	
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105 \$177,611.66	\$1,368.42	\$1,077.51	\$290.91	\$177,028.08
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107 \$177,028.08	\$1,368.42	\$1,073.97	\$294.45	\$176,733.63
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112 \$175,537.86	\$1,368.42	\$1,064.93	\$303.49	\$175,234.37
113 \$175,234.37	\$1,368.42	\$1,063.09	\$305.33	\$174,929.04
114 \$174,929.04	• •	\$1,061.24	\$307.18	\$174,621.86
115 \$174,621.86	\$1,368.42	\$1,059.37	\$309.05	\$174,312.81
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	\$1,368.42	\$1,053.71	\$314.71	\$173,374.37
118 \$173,689.08	\$1,368.42	\$1,051.80	\$316.62	\$173,057.76
119 \$173,374.37		\$1,049.88	\$318.54	\$172,739.22
120 \$173,057.76	\$1,368.42		\$310.54	\$172,418.75
121 \$172,739.22	\$1,368.42	\$1,047.95	•	•
122 \$172,418.75	\$1,368.42	\$1,046.01	\$322.41	\$172,096.34
123 \$172,096.34	\$1,368.42	\$1,044.05	\$324.37	\$171,771.97
124 \$171,771.97	\$1,368.42	\$1,042.08	\$326.34	\$171,445.63
125 \$171,445.63	\$1,368.42	\$1,040.10	\$328.32	\$171,117.32
126 \$171,117.32	\$1,368.42	\$1,038.11	\$330.31	\$170,787.01
127 \$170,787.01	\$1,368.42	\$1,036.11	\$332.31	\$170,454.70
128 \$170,454.70	\$1,368.42	\$1,034.09	\$334.33	\$170,120.37
129 \$170,120.37	\$1,368.42	\$1,032.06	\$336.36	\$169,784.01
130 \$169,784.01	\$1,368.42	\$1,030.02	\$338.40	\$169,445.61
131 \$169,445.61	\$1,368.42	\$1,027.97	\$340.45	\$169,105.16
132 \$169,105.16	\$1,368.42	\$1,025.90	\$342.52	\$168,762.65
133 \$168,762.65	\$1,368.42	\$1,023.83	\$344.59	\$168,418.05
134 \$168,418.05	\$1,368.42	\$1,021.74	\$346.68	\$168,071.37
135 \$168,071.37	\$1,368.42	\$1,019.63	\$348.79	\$167,722.58
136 \$167,722.58	\$1,368.42	\$1,017.52	\$350.90	\$167,371.68
137 \$167,371.68	\$1,368.42	\$1,015.39	\$353.03	\$167,018.65
138 \$167,018.65	\$1,368.42	\$1,013.25	\$355.17	\$166,663.48
	\$1,368.42	\$1,011.09	\$357.33	\$166,306.15
139 \$166,663.48			\$359.50	\$165,946.65
140 \$166,306.15	\$1,368.42	\$1,008.92	\$361.68	\$165,584.97
141 \$165,946.65	\$1,368.42	\$1,006.74	•	\$165,334.97 \$165,221.10
142 \$165,584.97	\$1,368.42	\$1,004.55	\$363.87	
143 \$165,221.10	\$1,368.42	\$1,002.34	\$366.08	\$164,855.02 \$164,486.73
144 \$164,855.02		\$1,000.12	\$368.30	\$164,486.73
145 \$164,486.73			\$370.53	\$164,116.19
146 \$164,116.19			\$372.78	\$163,743.41
147 \$163,743.41	\$1,368.42		\$375.04	\$163,368.37
148 \$163,368.37			\$377.32	\$162,991.05
149 \$162,991.05	\$1,368.42	\$988.81	\$379.61	\$162,611.44

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150	\$162,611.44	\$1,368.42	\$986.51	\$381.91	\$162,229.53
	\$162,229.53	\$1,368.42	\$984.19	\$384.23	\$161,845.30
	\$161,845.30	\$1,368.42	\$981.86	\$386.56	\$161,458.74
		· . •			
	\$161,458.74	\$1,368.42	\$979.52	\$388.90	\$161,069.84
154	\$161,069.84	\$1,368.42	\$977.16	\$391.26	\$160,678.58
155	\$160,678.58	\$1,368.42	\$974.78	\$393.64	\$160,284.94
156	\$160,284.94	\$1,368.42	\$972.40	\$396.02	\$159,888.92
157	\$159,888.92	\$1,368.42	\$969.99	\$398.43	\$159,490.49
	\$159,490.49	\$1,368.42	\$967.58	\$400.84	\$159,089.64
	\$159,089.64	\$1,368.42	\$965.14	\$403.28	\$158,686.37
	\$158,686.37	\$1,368.42	\$962.70	\$405.72	\$158,280.65
				· -	
	\$158,280.65	\$1,368.42	\$960.24	\$408.18	\$157,872.46
	\$157,872.46	\$1,368.42	\$957.76	\$410.66	\$157,461.80
163	\$157,461.80	\$1,368.42	\$955.27	\$413.15	\$157,048.65
164	\$157,048.65	\$1,368.42	\$952.76	\$415.66	\$156,632.99
165	\$156,632.99	-\$1.368.42	\$950.24	\$418.18	\$156,214.81
	\$156,214.81	\$1,368.42	\$947.70	\$420.72	\$155,794.09
	\$155,794.09	\$1,368.42	\$945.15	\$423.27	\$155,370.82
	\$155,370.82	\$1,368.42	\$942.58	\$425.84	\$154,944.99
				· · · -	\$154,516.57
	\$154,944.99	\$1,368.42	\$940.00	\$428.42	•
	\$154,516.57	\$1,368.42	\$937.40	\$431.02	\$154,085.55
	\$154,085.55	\$1,368.42	\$934.79	\$433.63	\$153,651.91
172	\$153,651.91	\$1,368.42	\$932.15	\$436.27	\$153,215.65
173	\$153,215.65	\$1,368.42	\$929.51	\$4 38. 9 1	\$152,776.74
174	\$152,776.74	\$1,368.42	\$926.85	\$441.57	\$152,335.16
	\$152,335.16	\$1,368.42	\$924.17	\$444.25	\$151,890.91
	\$151,890.91	\$1,368.42	\$921.47	\$446.95	\$151,443.96
	\$151,443.96	\$1,368.42	\$918.76	\$449.66	\$150,994.30
		\$1,368.42	\$916.03	\$452.39	\$150,541.91
	\$150,994.30		\$913.29	<u> </u>	
	\$150,541.91	\$1,368.42		\$455.13	\$150,086.78
	\$150,086.78	\$1,368.42	\$910.53	\$457.89	\$149,628.89
	\$149,628.89	\$1,368.42	\$907.75	\$460.67	\$149,168.22
182	\$149,168.22	\$1,368.42	\$904.95	\$463.47	\$148,704.75
183	\$148,704.75	\$1,368.42	\$902.14	\$466.28	\$148,238.47
184	\$148,238.47	\$1,368.42	\$899.31	\$469.11	\$147,769.36
	\$147,769.36	\$1,368.42	\$896.47	\$471.95	\$147,297.41
	\$147,297.41	\$1,368.42	\$893.60	\$474.82	\$146,822.60
	\$146,822.60	\$1,368.42	\$890.72	\$477.70	\$146,344.90
	\$146,344.90	\$1,368.42	\$887.83	\$480.59	\$145,864.31
	\$145,864.31	\$1,368.42	\$884.91	\$483.51	\$145,380.80
	\$145,380.80	\$1,368.42	\$881.98	\$486.44	\$144,894.35
	\$144,894.35	\$1,368.42	\$879.03	\$489.39	\$144,404.96
192	\$144,404.96	\$1,368.42	\$876.06	\$492.36	\$143,912.60
193	\$143,912.60	\$1,368.42	\$873.07	\$495.35	\$143,417.25
	\$143,417.25	\$1,368.42	\$870.06	\$498,36	\$142,918.89
	\$142,918.89	\$1,368.42	\$867.04	\$501.38	\$142,417.51
	\$142,417.51	\$1,368.42	\$864.00	\$504.42	\$141,913.09
	\$141,913.09	\$1,368.42	\$860.94	\$507.48	\$141,405.61
		\$1,368.42	\$857.86	\$510.56	\$140,895.05
	\$ \$141,405.61				
	\$140,895.05	\$1,368.42	\$854.76	\$513.66	\$140,381.39
200	\$140,381.39	\$1,368.42	\$851.65	\$516.77	\$139,864.62

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	201 \$139,864.62 \$1,368.4	42 \$848.51	\$519.91	\$139-344.71		
	202 \$139,344.71 \$1,368.4		\$523.06	\$138,821.65		
	203 \$138,821.65 \$1,368.4		\$526.24	\$138,295.42		
	204 \$138,295.42 \$1,368.4		\$529.43	\$137,765.99		
	205 \$137,765.99 \$1,368.4	42 \$835.78	\$532.64	\$137,233.35		
	206 \$137,233.35 \$1,368.4	42 \$832.55	\$535.87	\$136,697.48	•	
	207 \$136,697.48 \$1,368.4		\$539.12	\$136,158.36		
	208 \$136,158.36 \$1,368.		\$542.39	\$135,615.96		
•	209 \$135,615.96 \$1,368.		\$545.68	\$135,070.28		
	210 \$135,070.28 \$1,368.		\$548.99	\$134,521.29		
	211 \$134,521.29 \$1,368.		\$552.32	\$133,968.96	•	
	212 \$133,968.96 \$1,368.		\$555.67	\$133,413.29	·	
	213 \$133,413.29 \$1,368.		\$559.05	\$132,854.24		
	214 \$132,854.24 \$1,368.		\$562.44	\$132,291.80		
	215 \$132,291.80 \$1,368.		\$565.85	\$131,725.95		
	216 \$131,725.95 - \$1,368.		\$569.28	\$131,156.67	Ξ,	-
	217 \$131,156.67 \$1,368.		\$572.74	\$130,583.93	••	
	218 \$130,583.93 \$1,368.		\$576.21	\$130,007.72		
	219 \$130,007.72 \$1,368.		\$579.71	\$129,428.02		
	220 \$129,428.02 \$1,368.		\$583.22	\$128,844.79		
	221 \$128,844.79 \$1,368.		\$586.76	\$128,258.03		
	222 \$128,258.03 \$1,368.		\$590.32	\$127,667.71		•
	223 \$127,667.71 \$1,368.		\$593.90	\$127,073.81 \$126,476.30		
	224 \$127,073.81 \$1,368.		\$597.51 \$601.13	\$126,476.30 \$125,875.17		
	225 \$126,476.30 \$1,368.		\$604.78	\$125,875.17		
	226 \$125,875.17 \$1,368. 227 \$125,270.40 \$1,368.		•	\$124,661.95		
	227 \$125,270.40 \$1,368. 228 \$124,661.95 \$1,368.			\$124,049.81		
	229 \$124,049.81 \$1,368.		\$615.85	\$123,433.96		
	230 \$123,433.96 \$1,368		\$619.59	\$122,814.37		
	231 \$122,814.37 \$1,368	·	\$623.35	\$122,191.03		
	232 \$122,191.03 \$1,368		\$627.13	\$121,563.90		
	233 \$121,563.90 \$1,368	•	\$630.93	\$120,932.97	•	
	234 \$120,932.97 \$1,368		\$634.76	\$120,298.21		
	235 \$120,298.21 \$1,368		\$638.61	\$119,659.60		
	236 \$119,659.60 \$1,368		\$642.49	\$119,017.11		
	237 \$119,017.11 \$1,368		\$646.38	\$118,370.73		
	238 \$118,370.73 \$1,368		\$650.30	\$117,720.42		•
	239 \$117,720.42 \$1,368		\$654.25	\$117,066.17		
	240 \$117,066.17 \$1,368	.42 \$710.20	\$658.22	\$116,407.96		
	241 \$116,407.96 \$1,368	.42 \$706.21	\$662,21	. \$115,745.74		
•	242 \$115,745.74 \$1,368	.42 \$702.19	\$666.23	\$115,079.51		
	243 \$115,079.51 \$1,368	.42 \$698.15	\$670.27			
	244 \$114,409.24 \$1,368		\$674.34	\$113,734.91		,
	245 \$113,734.91 \$1,368		\$678.43	\$113,056.48		
	246 \$113,056.48 \$1,368		\$682.54	\$112,373.93		
	247 \$112,373.93 \$1,368		\$686.68	\$111,687.25		
	248 \$111,687.25 \$1,368		\$690.85	\$110,996.40		
	249 \$110,996.40 \$1,368		\$695.04	\$110,301.36		
	250 \$110,301.36 \$1,368		\$699.26	\$109,602.10		
	251 \$109,602.10 \$1,368	3.42 \$664.92	\$703.50	\$108,898.60		

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-		3108,898.60	\$1,368.42	\$660.65	\$707.77	\$108, 190.83				
		3108,190.83	\$1,368.42	\$656.36	\$712.06	\$107,478.77				
•		3107,478.77		\$652.04	\$716.38	\$106,762.38				
		106,762.38	\$1,368.42	\$647.69	\$720.73	\$106,041.66			•	
		3106,041.66	\$1,368.42	\$643.32	\$725.10	\$105,316.56 \$104,587.06				
		3105,316.56	\$1,368.42	\$638.92 \$634.49	\$729.50 \$733.93	\$103,853.13	-			
		\$104,587.06 \$103,853.13	\$1,368.42 \$1,368.42	\$630.04	\$738.38	\$103,033.73				
		103,033.13	\$1,368.42	\$625.56	\$742.86	\$102,371.90				
		\$102,371.90	\$1,368.42	\$621.06	\$747.36	\$101,624.53				
		101,624.53	\$1,368.42	\$616.52	\$751.90	\$100,872.63				
		\$100,872.63	\$1,368.42	\$611.96	\$756.46	\$100,116.18				
		\$100,116.18	\$1,368.42	\$607.37	\$761.05	\$99,355.13				
	265	\$99,355.13	\$1,368.42	\$602.75	\$765.67	\$98,589.46				
	266	\$98,589.46	\$1,368.42	\$598.11	\$770.31	\$97,819.15				
	267	\$97,819.15	. ,	\$593.44	\$774.98	\$97,044.17		<u>:</u>		
	268	\$97,044.17	-	\$588.73	\$779.69	\$96,264.48		-		
	269	\$96,264.48	•	\$584.00	\$784.42	\$95,480.07		•		
	270	\$95,480.07	•	\$579.25	\$789.17	\$94,690.89				
	271	\$94,690.89		\$574.46	\$793.96	\$93,896.93				
	272	\$93,896.93	•	\$569.64	\$798.78	\$93,098.15				
	273	\$93,098.15		\$564.80	\$803.62	\$92,294.53				
	274	\$92,294.53	\$1,368.42	\$559.92	\$808.50	\$91,486.03				
	275	\$91,486.03	=	\$555.02	\$813,40	\$90,672.62				
	276	\$90,672.62	\$1,368.42	\$550.08	\$818.34	\$89,854.28				
	277	\$89,854.28	\$1,368.42	\$545.12	\$823.30	\$89,030.98				
	278	\$89,030.98	\$1,368.42	\$540.12	\$828.30	\$88,202.68				
	279	\$88,202.68	\$1,368.42	\$535.10	\$833.32	\$87,369.36				
	280	\$87,369.36	\$1,368.42	\$530.04	\$838.38	\$86,530.98				
	281	\$86,530.98	\$1,368.42	\$524.95	\$843.47	\$85,687.51				
	282	\$85,687.51	\$1,368.42	\$519.84	\$848.58	\$84,838.93				
	283	\$84,838.93	\$1,368.42	\$514.69	\$853.73	\$83,985.20				
	284	\$83,985.20	\$1,368.42	\$509.51	\$858.91	\$83,126.29	•			
	285	\$83,126.29	\$1,368.42	\$504.30	\$864.12	\$82,262.17				•
	286	\$82,262.17		\$499.06	\$869.36	\$81,392.81				
	287	\$81,392.81		\$493.78	\$874.64	\$80,518.17				
	288	\$80,518.17		\$488.48	\$879.94	\$79,638.23				
	289	\$79,638.23		\$483.14	\$885.28	\$78,752.94		•		*
	290	\$78,752.94		\$477.77	\$890.65	\$77,862.29				
	291	\$77,862.29		\$472.36	\$896.06	\$76,966.24				
	292	\$76,966.24	\$1,368.42	\$466.93	\$901.49	\$76,064.74				
	293	\$76,064.74	\$1,368.42	\$461.46	\$906.96	\$75,157.78				
	294	\$75,157.78	\$1,368.42	\$455.96	\$912.46	\$74,245.32				
	295	\$74,245.32	\$1,368.42	\$450.42	\$918.00	\$73,327.32				
	296	\$73,327.32	\$1,368.42	\$444.85	\$923.57	\$72,403.76				
	297	\$72,403.76	\$1,368.42	\$439.25 \$433.64	\$929.17	\$71,474.58				
	298	\$71,474.58	\$1,368.42	\$433.61 \$437.04	\$934.81	\$70,539.78				
	299	\$70,539.78	· ·	\$427.94 \$422.24	\$940.48	•				
	300	\$69,599.30	\$1,368.42 \$1,368.42	\$422.24 \$416.50	\$946.18	\$68,653.11 \$67,701.10				
	301	\$68,653.11	\$1,368.42	\$416.50 \$410.72	\$951.92	\$67,701.19				
	302	\$67,701.19	\$1,368.42	\$410.72	\$957.70	\$66,743.49				

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303	\$66,743.49	\$1,368.42	\$404.91	\$963.51	\$6 5 ,779.98		
304	\$65,779.98	\$1,368.42	\$399.07	\$969.35	\$64;810.63		
305	\$64,810.63	\$1,368.42	\$393.18	\$975.24	\$63,835.39		
306	\$63,835.39	\$1,368.42	\$387.27	\$981.15	\$62,854.24		
307	\$62,854.24	\$1,368.42	\$381.32	\$987.10	\$61,867.13		•
308	\$61,867.13	\$1,368.42	\$375.33	\$993.09	\$60,874.04	·	
		\$1,368.42	\$369.30	\$999.12	\$59,874.92		
309	\$60,874.04	\$1,368.42	\$363.24	\$1,005.18	\$58,869.75		
310	\$59,874.92		\$357.14	\$1,011.28	\$57,858.47		
311	\$58,869.75 \$57,859,47	\$1,368.42 \$1,368.42	\$351.01	\$1,017.41	\$56,841.06		
312	\$57,858.47	\$1,368.42		\$1,017.41	\$55,817.47		
313	\$56,841.06	\$1,368.42	\$344.84		\$54,787.68		
314	\$55,817.47	\$1,368.42	\$338.63	\$1,029.79			
315	\$54,787.68	\$1,368.42	\$332.38	\$1,036.04	\$53,751.64		
316	\$53,751.64	\$1,368.42	\$326.09	\$1,042.33	\$52,709.31		
317	\$52,709.31	\$1,368.42	\$319.77	\$1,048.65	\$51,660.66		
318	\$51,660.66		\$313.41	\$1,055.01	\$50,605.65	· <u>-</u>	
319	\$50,605.65		\$307.01	\$1,061.41	\$49,544.24	·.	
320	\$49,544.24		\$300.57	\$1,067.85	\$48,476.38		
321	\$48,476.38	\$1,368.42	\$294.09	\$1,074.33	\$47,402.05		
322	\$47,402.05	\$1,368.42	\$287.57	\$1,080.85	\$46,321.21		
323	\$46,321.21	\$1,368.42	\$281.02	\$1,087.40	\$45,233.80		
324	\$45,233.80	\$1,368.42	\$274.42	\$1,094.00	\$44,139.80		
325	\$44,139.80	\$1,368.42	\$267.78	\$1,100.64	\$43,039.16		
326	\$43,039.16		\$261.10	\$1,107.32	\$41,931.85		
327	\$41,931.85	\$1,368.42	\$254.39	\$1,114.03	\$40,817.81	•	
328	\$40,817.81	\$1,368.42	\$247.63	\$1,120.79	\$39,697.02		
329	\$39,697.02	\$1,368.42	\$240.83	\$1,127.59	\$38,569.43		
330	\$38,569.43	\$1,368.42	\$233.99	\$1,134.43	\$37,435.00		
331	\$37,435.00	\$1,368.42	\$227.11	\$1,141.31	\$36,293.68		
332	\$36,293.68	\$1,368.42	\$220.18	\$1,148.24	\$35,145.44		
333	\$35,145.44	\$1,368.42	\$213.22	\$1,155.20	\$33,990.24		
334	\$33,990.24	. ,	\$206.21	\$1,162.21	\$32,828.03		
335	\$32,828.03	•	\$199.16	\$1,169.26	\$31,658.76		
336	•	•	\$192.06	\$1,176.36	\$30,482.41		
	\$30,482.41	\$1,368.42	\$184.93	\$1,183.49	\$29,298.91		
337			\$177.75		\$28,108.24		
338		\$1,368.42	\$170.52	\$1,197.90	\$26,910.34		
339			\$163.26		\$25,705.18		
340					\$24,492.70		
341	\$25,705.18		\$155.94	\$1,212.40	\$23,272.87	•	
342			\$148.59				
343			\$141.19	\$1,227.23	\$22,045.64		
344	•		\$133.74	\$1,234.68	\$20,810.97		
345		•	\$126.25	\$1,242.17	\$19,568.80		
346		•	\$118.72	\$1,249.70	\$18,319.10	•	
347	·		\$111.14	\$1,257.28	\$17,061.81		,
348			\$103.51	\$1,264.91	\$15,796.90		
349	•		\$95.83	\$1,272.59	\$14,524.32		
350			\$88.11	\$1,280.31	\$13,244.01	•	
351			\$80.35	\$1,288.07	\$11,955.94		
352			\$72.53	\$1,295.89	\$10,660.05		
353	\$10,660.05	\$1,368.42	\$64.67	\$1,303.75	\$9,356.30		
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354	\$9.356.30	\$1,368.42	\$56.76	\$1,311.66	\$8,044.64	
355		\$1,368.42	\$48.80	\$1,319.62	\$6,725.03	
356	•	\$1,368.42	\$40.80	\$1,327.62	\$5,397.40	
357		\$1,368.42		\$1,335.68	\$4,061.73	
358	•	\$1,368.42	\$24.64	\$1,343.78	\$2,717.95	•
	• •	\$1,368.42	\$16.49	\$1,351.93	\$1,366.02 ·	
	\$1,366.02		\$8.29	\$1,366.02	(\$0.00)	

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TABLE 2

Sheetl

	** ¥ 7-1		Mortgage Principal	Monthly Payment	% Change in Home Value
Month	Home Val		200,000	1,367.75	
		240,000	198,632	1,367.75	
		240,000	197,265	1,367.75	
		240,000	197,203	1,367.75	
		240,000	194,529	1,367,75	
		240,000	193,161	1,367.75	
		240,000	191,794	1,367.75	
•		240,000	190,426	1,367.75	
	8	240,000	189,058	·	
	9	240,000	187,690		
	10	240,000			
	11	240,000	186,323		3,50%
	12	248,400	184,955		
	13	248,400			
	14	248,400			
	15	248,400			
	16	248,400	10011		
	17	248,400	4-4-40		
	18	248,400			
	19	248,400			
	20	248,400			
	21	248,400			
	22	248,400			
	23	248,400			2.500/
	. 24	257,094			
	25	257,094			
	26	257,094			
	27	257,094		4 6 4 6 7	
	28	257,09			
	29	257,09			
	30	257,09			
	31	257,09			
	32	257,09			
	33	257,09		·	
	34	257,09			
	35	257,09			
	36	266,09			
	37	266,09		-	
	38	266,09			
	39	266,09			
	40	266,09			5 25
	41	266,09			
	42	266,09			
	43	266,09		*	
	44	266,09			
	45	266,09			
	46	266,0			
	47	266,0			
	48	275,4	06 135,7	10 1,307.	





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49	275,406	134,348	1,367.75	
50	275,406	132,980	1,367.75	
51	275,406	131,613	1,367.75	
52	275,406	130,245	1,367.75	
53	275,406	128,877	1,367.75	
54	275,406	127,509	1,367.75	
55	275,406	126,142	1,367.75	
56	275,406	124,774	1,367.75	
57	275,406	123,406	1,367.75	
58	275,406	122,038	1,367.75	
59	275,406	120,671	1,367.75	
60	285,045	119,303	1,367.75	3.50%
61	285,045	117,935	1,367.75	
62	285,045	116,567	1,367.75	
63	285,045	115,200	1,367.75	
64	285,045	113,832	1,367.75	
65	285,045	112,464	1,367.75	
66	285,045	111,096	1,367.75	
67	285,045	109,729	1,367.7 <i>5</i>	
68	285,045	108,361	1,367.75	•
69	285,045	106,993	1,367.75	
70	285,045	105,625	1,367.75	
71	285,045	104,258	1,367.75	
72	295,021	102,890	1,367.75	3.50%
73	295,021	101,522	1,367.75	
.74	295,021	100,154	1,367.75	
75	295,021	98,787	1,367.75	
76	295,021	97,419	1,367.75	
77	295,021	96,051	1,367.75	
78	295,021	94,683	1,367.75	
79	295,021	93,316	1,367.75	
80	295,021	91,948	1,367.75	
81	295,021	90,580	1,367.75	
82	295,021	89,212	1,367.75	
83	295,021	87,845	1,367.75	3,50%
84	305,347	86,477	1,367.75	3.3070
85	305,347	85,109	1,367.75	
86	305,347	83,741	1,367.75	
87	305,347	82,374	1,367.75	
88	305,347	81,006	1,367.75 1,367.75	•
89	305,347	79,638		
90	305,347	78,270	1,367.75	
91	305,347	76,903	1,367.75	
92	305,347	75,535	1,367.75 1,367. 7 5	
93	305,347	74,167	1,367.75	
94	305,347	72,799	1,367.75	
95	305,347	71,432 70,064	1,367.75	3.50%
96	316,034 316,034	68,696	1,367.75	
97	316,034	00,070	2,000,00	

Sheet1

98	316,034	67,328	. 1,367.75	
99	316,034	65,961	1,367.75	
100	316,034	64,593	1,367.75	
101	316,034	63,225	1,367.75	
102	316,034	61,857	1,367.75	
103	316,034	60,490	1,367.75	
104	316,034	59,122	1,367.75	
105	316,034	57,754	1,367.75	
106	316,034	56,386	1,367.75	
107	316,034	55,019	1,367.75	•
108	327,095	53,651	1,367.75	3,50%
109	327,095	52,283	1,367.75	
110	327,095	50,915	1,367.75	
111	327,095	49,548	1,367.75	
112	327,095	48,180	1,367.75	
113	327,095	46,812	1,367.75	
114	327,095	45,444	1,367.75	
115	327,095	44,077	1,367.75	
116	327,095	42,709	1,367.75	
117	327,095	41,341	1,367.75	
118	327,095	39,973	1,367.75	
	327,095	38,606	1,367.75	
119 120	338,544	37,238	1,367.75	3.50%
121	338,544	35,870	1,367.75	
122	338,544	34,502	1,367.75	
122	338,544	33,135	1,367,75	
123	338,544	31,767	1,367.75	
125	338,544	30,399	1,367.75	
125	338,544	29,031	1,367,75	
120	338,544	27,664	1,367.75	
127	338,544	26,296	1,367.75	
128	338,544	24,928	1,367.75	
130	338,544	23,560	1,367.75	
131	338,544	22,193	1,367.75	
131	350,393	20,825	1,367.75	3.50%
133	350,393	19,457	1,367.75	
134	350,393	18,089	1,367.75	
135	350,393	16,722	1,367.75	
136	350,393	15,354	1,367.75	
137	350,393	13,986	1,367.75	
138	350,393	12,618	1,367.75	
139	350,393	11,251	1,367.75	
140	350,393	9,883	1,367.75	
141	350,393	8,515	1,367.75	
142	350,393	7,147	1,367.75	
143	350,393	5,780	1,367.75	
144	362,656	4,412	1,367,75	3.50%
145	362,656	3,044	1,367.75	
146	362,656	1,676	1,367.75	
	5-2,000	-,- :-:		

Sheet1

147	142	262 686	309	1,367.75
149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191		362,636	505	308.50
150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191		362,030	_	300.50
151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				•
153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191			•	
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155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192				
156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192				•
157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
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163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
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165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192				
166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192				
167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192		-i		
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169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191			•	
170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191				
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In one preferred embodiment, the mortgage plan penalizes the borrower for an early sale of the asset. In one example, this penalty is the forfeiture of some percentage of the down payment, figured on a declining scale over the first ten years of the mortgage.

A cap may be placed on the amount which the lender can realize from appreciated earnings on the sale of the asset. In one preferred embodiment, the lender's share of the real estate's realized appreciated value may be limited to: (1) a specified percentage of the total realized appreciation value; or (2) no greater than an average annual return equal to a certain percent above the average fed funds rate throughout the amortization period on the average mortgage principal outstanding during the amortization period ("the Amortization Period Return") plus, if the property has not yet been sold, a certain percent (annually compounded) of the total amortization period return thereafter ("the Post-Amortization Period Return"); or (3) the lesser of (1) or (2). The use of a cap can avoid what may be viewed as a windfall result for the lender when, e.g., the borrower retains the asset for a substantial time period and the rate of appreciation of the asset is extremely high over that period.

In another preferred embodiment, the mortgage documents could include a "non-maturity" clause that would synchronize the end of the mortgage, the repayment of remaining principal (if any), and the payment of the investor's compensation (the predetermined amortization period return, plus the post-amortization period return) with the ultimate sale of the real estate. This will further strengthen the deferred tax

treatment of the investment as an equity investment taxed at a gain, rather than as a debt investment. Also, the lack of a fixed maturity date should not be viewed as a negative for the investor, since it is believed that the potential for a secondary market for these instruments exists which will enable the investor to liquidate its position by selling the instrument to a third party.

Those of ordinary skill in the art will recognize that certain contractual provisions may need to be provided in the mortgage documents to ensure that borrowers have sufficient incentive to maintain the real estate subject to the mortgage, and to prevent borrowers from circumventing or minimizing their obligation to share appreciation with investors.

Of course, it should be understood that various changes and modifications to the preferred embodiments described herein will be apparent to those skilled in the art. Other changes and modifications constituting insubstantial differences from the present invention, such as those expressed here or others left unexpressed but apparent to those of ordinary skill in the art, can be made without departing from the spirit and scope of the present invention and without diminishing its attendant advantages. It is, therefore, intended that such changes and modifications be covered by the following claims.